



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

59689-8
[] SERIAL NUMBER [] FILING DATE [] FIRST NAMED INVENTOR [] ATTORNEY OR AGENT []

07/596,454 10/12/90 FRIESE

A J&J-1313

EXAMINER

REICHLER, K

[] ART UNIT [] PAPER NUMBER []

338

DATE MAILED:

05/28/91

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 10-12-90 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 1-19 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-17 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

Serial No. 596,454

-2-

Art Unit 338

The prior art cited has not been considered in that the citations are not in conformance with MPEP 609.

The use of the trademark STANDARD OB has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The drawings are objected to because the line 33 should be denoted in Figure 8. Also, the blank should be denoted 11. The angle X does not denote the angular distances between portions 12;13. Correction is required.

Claims 4,5/4,6-8,9/4,9/5/4,9/6-9/8 are rejected under 35 U.S.C. § 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim. The enumerated claims are improper multidependent claims. Accordingly, these claims have not been further treated on the merits.

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112,

first paragraph, as failing to provide an adequate written description of the invention. The description of the invention is not commensurate in scope with claims, see claim 10.

Claims 1-5, 5/1-3, 9/1-3, 9/5/1-3, 10-19/9/1-3, and 10-19/9/5/1-3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite in that they are replete with improper claim syntax. For example, clear positive structural antecedent bases for each element should be defined. In claims 17 and 18 recite intended use only. The examples are merely illustrative claims should be carefully reviewed and revised as necessary.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Wolff et al or Friese. As best understood of the invention Wolff et al or Friese reads on Applicant's invention. See 706.03(e).

The remainder of the claims as best understood appear to overcome the prior art.

Serial No. 596,454

-4-

Art Unit 338

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

mw
K. Reichle:lf
May 22, 1991
703 308-0858

DAVID J. ISABELLA
PRIMARY EXAMINER
ART UNIT 338